

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ALICE JOHNSON, individually and as
parent, natural guardian, and next friend of
A.S.; NORMA LEROY, individually and as
parent, natural guardian, and next friend of
M.L.; A.S., minor children; and M.L., minor
children;

Plaintiffs,

vs.

CODY-KILGORE UNIFIED SCHOOL
DISTRICT, a Political Subdivision; ADAM
LAMBERT, in his individual capacity; and
MARVANNE LOGTERMAN, in her
individual capacity;

Defendants.

4:21CV3103

FOURTH AMENDED
CASE PROGRESSION ORDER

This matter is before the Court on the Jointly Stipulated Motion to Modify Final Schedule for Progression of Case ([Filing No. 64](#)). After review of the motion, and for good cause shown,

IT IS ORDERED that the Jointly Stipulated Motion to Modify Final Schedule for Progression of Case ([Filing No. 64](#)) is granted, and the third amended case progression order is amended as follows:

- 1) The deadline for defendants to identify expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is **March 15, 2023**.
- 2) The deadlines for completing expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiffs: **April 12, 2023**

For the defendants: **May 11, 2023**

- 3) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **June 29, 2023**.
- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **July 6, 2023**.

¹ While treating medical and mental health care providers are generally not considered “specially retained experts,” not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert’s treatment records and reports must be separately and timely disclosed.

- 5) The deadline for completing written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure is **July 17, 2023**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **August 22, 2023**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 6) The planning conference scheduled for June 23, 2023, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **August 17, 2023**, at **11:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 7) The deadline for filing motions to dismiss and motions for summary judgment is **September 25, 2023**.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 6th day of February, 2023.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge